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IN THE COURT OF APPEAL OF THE STATE OF CALIFORNIA
SECOND APPELLATE DISTRICT
DIVISION SIX

THE PEOPLE,

Plaintiff and Respondent,

v.

LUIS JULIAN QUIRARTE,

Defendant and Appellant.

2d Crim. No. B268012
(Super. Ct. No. 2014012558)
(Ventura County)

Luis Julian Quirarte appeals his conviction by jury of one count of luring (Pen. Code, § 288.3, subd. (a)). The trial court sentenced appellant to the midterm of 12 months in prison and awarded him 64 days of presentence credit. In addition to imposing standard fines and victim restitution, the court ordered appellant to register pursuant to sections 296 and 290 of the Penal Code.

We appointed counsel to represent appellant in this appeal. After examining the record, counsel filed an opening brief raising no issues and requesting that we independently examine the record pursuant to *People v. Wende* (1979) 25 Cal.3d 436.

We advised appellant in writing that he had 30 days within which to personally submit any contentions or issues he wished to raise on appeal. Appellant submitted a one-page letter brief, translated from Spanish, in which he contends the minor victim, S.C., lied when she said that he had inappropriately touched her on a trip to Mexico, that a juror (Juror No. 8) was improperly dismissed from the jury and that the

jury misunderstood the statements he made during a police-monitored “cool call” with S.C.

Appellant is married to S.C.’s aunt. During a trip to Mexico with appellant in 2013, appellant put his hand on S.C.’s thigh while he was driving. Appellant told S.C. to touch his penis. When she refused, appellant rubbed his penis himself.

Appellant later called and said he had S.C.’s passport. He told S.C. that if she wanted it back, she would have to have sex with him.

In February 2014, appellant called S.C. and asked if she wanted to have sex with him. When she said she did not, he said that meant she was having sex with someone else.

S.C. and her mother reported appellant’s actions to the police. In April 2014, Detective Eric Vasquez arranged for S.C. to make a recorded “cool call” to appellant. He explained that a cool call is “[a] pretext phone call [that] is essentially recorded and monitored by law enforcement. It’s designed to corroborate the victim’s story and also garner incriminating statements from the suspect.” After receiving instructions from Detective Vasquez, S.C. called appellant, who said he wanted her to sleep at his house. He assured her that she would not get pregnant and that he would use a condom. S.C. asked if she would get her passport back if they had sex. He said he was busy, so they arranged to talk the next day.

The next day, S.C. made a second recorded cool call to appellant. He sounded very upset and said he was just playing along with her the day before and wanted to know if she was drinking alcohol and doing drugs. He also said he did not have her passport. When she asked if they were going to meet, he hung up.

At the preliminary hearing, S.C. testified that appellant never told her she had to have sex with him to get her passport. She said she lied to the police because she needed attention and that Detective Vasquez made her say the words in the cool calls.

Detective Vasquez testified that S.C.’s mother told him that S.C. said appellant touched her during the trip to Mexico. He also testified that he did not believe S.C. was lying to him.

The trial court granted the People's motions to admit evidence of appellant's prior sexual conduct, to admit statements appellant made in the cool calls with S.C. and to exclude any references to punishment. During the trial, Juror No. 8 told the parties in chambers that he heard S.C. laughing and telling another girl, "We got Luis now." The juror understood that to mean appellant was being framed. The juror did not tell the other jurors what he had heard, and the court replaced Juror No. 8 with an alternate juror. The court denied appellant's oral motion for a mistrial and subsequent motion for new trial based on the juror's statements.

Having examined the entire record, counsel's *Wende* brief and appellant's letter brief, we are satisfied that appellant's attorney has fully complied with the responsibilities of counsel and that no arguable issue exists. (*People v. Wende, supra*, 25 Cal.3d at p. 441.)

The judgment is affirmed.

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PERREN, J.

We concur:

GILBERT, P. J.

TANGEMAN, J.

Ryan Wright, Judge
Superior Court County of Ventura

Arielle Bases, under appointment by the Court of Appeal, for Defendant
and Appellant.

No appearance for Plaintiff and Respondent.